

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**GAIL PRITCHETT and J. C. BELL,
as Trustee of the Estate of Gail Pritchett**

PLAINTIFFS

VS.

CIVIL ACTION NO. 4:05cv3LN

**FEPCO TRUCKING, INC. and
RICHARD LEATH**

DEFENDANTS

ORDER

This matter came before the court on the Defendants' FEPCO Trucking, Inc. and Richard Leath's Renewed Motion to Compel. Their initial Motion was denied without prejudice for failure to include a Certificate of Good Faith, in compliance with Fed. R. Civ. P. 37(a)(2)(A) and Unif. Local R. 37.1(A). The Renewed Motion is accompanied by an Affidavit detailing the efforts of counsel to obtain the signature of Plaintiff's counsel on such a Certificate. Moreover, the Plaintiff has failed to respond to this Motion to Compel, which was filed on December 2, 2005. The Motion will, therefore, be granted as unopposed. The Defendants failed to specifically request sanctions, which would likely have been awarded. However, further failure to participate in the discovery process will result in the imposition of sanctions on the Plaintiff, which may include a recommendation that this matter be dismissed.

IT IS, THEREFORE, ORDERED that the Defendants' Renewed Motion to Compel is hereby **granted**. The Plaintiff shall serve responses to the Defendants' discovery requests on or before January 9, 2006.

IT IS SO ORDERED, this the 20th day of December, 2005.

S/Alfred G. Nicols, Jr.
UNITED STATES MAGISTRATE JUDGE